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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,242	05/25/2001	Douglas Weigel	10003469-1	2761

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HEWLETT-PACKARD COMPANY
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EXAMINER


GREENE, DANIEL L

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/864,242	Applicant(s) WEIGEL, DOUGLAS 	
	Examiner Daniel L. Greene	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7, 8 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 8 and 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1, 7, 13, and 18 have been considered but are moot in view of the new ground(s) of rejection.

1. In reference to the Applicant's argument that Hoffman et al. fails to teach or suggest storing the digital signature after a transaction is completed and in fact teaches away from such a limitation, the Examiner disagrees. The section pointed out by the Applicant, Col. 16, lines 43-50, addresses the clearing of the operational registers after a transaction is terminated. However, in Col. 16, lines 35-42, Hoffman discloses "write-once" memory locations that are irreversible set such that critical software and data keys may only be downloaded once.
2. The Applicant further states that Hoffman et al. does not teach the storing a digital signature in a remote control. The Examiner directs the Applicant to Col. 13-14 in reference to the Biometric Input Device. Hoffman describes four (4) hardware modules that have the same combination of hardware and software i.e. standard, wireless, integrated phone/cable television (CATV)/fax, and ATM.
3. In reference to the Applicant's discussion about Hoffman not disclosing protection of the digital signature in the case of the remote control being stolen. Hoffman teaches about breach detection and subsequent destruction of the multi-chip modules. Col. 17, lines 15-25.

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4. Hoffman discloses the use of unique encryption codes and digital signatures. However, Hoffman does not specifically disclose the use of digital signature within a portable device. To provide that persons having ordinary skill in the art to which the invention pertains, Deo et al., U.S. Patent 5,721,781 teaches about the use of digital signatures in portable devices for authentication functions. Col. 4, lines 20-35.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 7-8, and 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman et al. U.S. Patent 5,613,012 [Hoffman] and further in view of Deo et al. U.S. Patent 5,721,781 [Deo].

As per claims 1, 7, 13, and 18:

Hoffman discloses the claimed invention except for the storing of a digital signature in a memory of a remote control controller. However, Hoffman does disclose the use of unique encryption codes in the Biometric Input Apparatus (BIA).C14, L1-10. Deo teaches that it is known in the art to store digital signatures in the memory of portable controllers. C4, L 20-35, C3, L 45-52, C 2, L 58-65. It would have been obvious to one having ordinary skill in the art at the time the invention was made to

provide the BIA of Hoffman with the storing of the digital signature in the portable device of Deo, in order to incorporate another type of authentication procedure for protecting and identifying the user.

a remote control controlling at least one function of a television set wherein said at least one function includes at least one of volume control, channel selection and color selection; performing said electronic transaction. C13, L 40-C14, L28; C14, L39-42; L49-53; C15, L25-53; C18, L6-22; C32, L26-43; and

transmitting said digital signature of said user from said remote control to complete said electronic transaction, C14, L54-60

wherein the digital signature remains stored in the memory after the transaction is completed or canceled. C16, L 35-42.

As per claim 2:

Hoffman further discloses:

presenting said electronic transaction on an Internet terminal, wherein said Internet terminal includes said television set; Fig. 1, **3, CATV**

receiving said digital signature by said Internet terminal. Fig. 21 and

presenting a verification of conclusion of said electronic transaction. Fig. 22.

As per claim 3:

Hoffman further discloses:

wherein said digital signature of said user is transmitted utilizing wireless protocols. C14, L39-42.

As per claims 8, 15, 18, and 20:

wherein said controller is further configured to receive said digital signature from a second device adapted to generate said digital signature in response to a second input from said keypad. C33, L34-C34, L10.

As per claims 12, 14, and 19:

an encryptor module for encrypting the digital signature. C7, L5-8, L39-42, C33, L24-33.

As per claim 16:

Hoffman does not specifically disclose that transmission may be infrared and/or electromagnetic. However, he does teach that all known methods for effecting wireless transmission may be used. C17, L44-45. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have used either or both infrared and E?M transmission, because both are equally reliable in such wireless protocols.

As per claim 17:

Hoffman further discloses:

wherein the first input from said user interface is associated with completing an electronic transaction. C14, L54-60: all above citations.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 703-306-5539. The examiner can normally be reached on M-Thur. 8am-6pm.

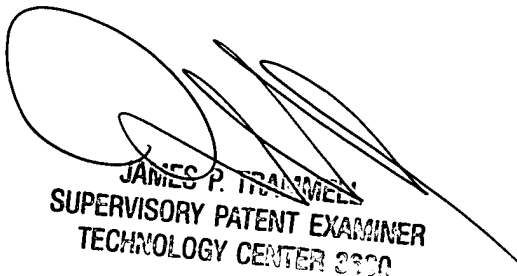
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9/1/04

DLG



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